IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

WP(C).No. 397 of 2007(V)

AGAINST THE ORDER DATED 30/08/2006 IN IA.1063/2006 IN RCP.19/2005 of MUNSIFF COURT,ALUVA

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PETITIONER:

RAMACHANDRAN, S/O.MAKKI,
AGED 51 YEARS, RESIDING AT EZHIKKANATT HOUSE,
VYPEEN, PROPRIETOR, RACHANA STUDIO,
ALUVA ROAD, ANGAMALY.

BY ADV. SRI.MATHEW ABRAHAM

RESPONDENTS:

SHAJI LONAPPAN, S/O.LONAPPAN,
AGED 35 YEARS, THOTTUNGAL HOUSE,
KARUKUTTY, ALUVA TALUK, ERNAKULAM.

BY /

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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W.P.(C). NO. 397 OF 2007

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Dated this the 4th day of January 2007

JUDGMENT

Udayabhanu, J

The petitioner/tenant in R.C.P. 19/2005 in the file of Rent Control Court, Aluva has filed the present Writ Petition. The writ petitioner has sought for setting aside Ext.P3 order in I.A. No. 1063/2006 declining his prayer to appoint an expert Commissioner to ascertain as to the feasibility of conversion into a living space, of the premises which is right now used as a commercial unit i.e., a photo studio. The court below dismissed the application pointing out that the Advocate Commissioner has already inspected the premises and filed a report. The case of the landlord, as can be seen from Ext.P3 order, is that he intended to carry out repairs and renovation in the building for which he has sufficient funds and that he wanted to reside therein.

2. It is the contention of the Writ Petitioner herein that the landlord is a person having other buildings and that the petition is

filed with the only motive of evicting the Writ Petitioner. The premises cannot be modified, renovated or converted into a residential accommodation, it is alleged. We find that considering the present day technological advances availability of expertise in the area it cannot be held that a building even if old cannot be renovated or remodelled so as to render convenient for residential accommodation.

3. In the circumstances and in view of the fact that already an Advocate Commission has inspected the premises and filed a report, the order of the court below cannot be found fault with. The Writ Petitioner can raise all his contentions in this regard at the time of trial and adduce evidence and court shall consider them independently and untrammeled by any of the observations contained in this order.

The Writ Petition is dismissed in limine.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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